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EXAMINER
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TANG, KAREN C

ART UNIT	PAPER NUMBER
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2151

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/025,497  
Filing Date: December 26, 2001  
Appellant(s): LAUX ET AL.

**MAILED**

**FEB 23 2007**

**Technology Center 2100**

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Thorsten O. Laux  
Bernd Eilners  
For Appellant

**EXAMINER'S ANSWER**

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This is in response to the appeal brief filed 10/23/06 appealing from the Office action mailed.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

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6892230

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandow et al hereinafter Brandow (US 6,938,041) in view of Gu et al hereinafter Gu (US 6,892,230).

1. Referring to Claims 1, 18, 21, and 45, Brandow discloses a computer readable medium containing instructions that cause a data processing system to perform a method of providing in a client and server system, at least one client by a server with an instruction format in response to a content data request, the method comprising the step of:  
providing at least one context data request properties of a content data request made by the client (index, retrieve file, refer to Col 7);

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preparing the instruction data set having the specified instruction format and including a plurality of instruction element data sets each representing a specified instruction element of the specified instruction format (SQL statements, refer to Col 7 and Col 8);

a tree data structure stored in an instruction format configuration file and including a plurality of instruction format nodes, each instruction format node indicating a specified combination of instruction elements including the specified instruction format and having associated with it's a node selection criterion, with said determined content data request properties and for selecting an instruction format node whose associated node selection condition matches said determined content data request properties (refer to Col 7, 8, 12, 14-18); and

preparing the instruction data set to be sent to the client by executing instruction element generating applications of the selected instruction format node (refer to Col 19, and 20 ).

Brandow does not expressly indicate the searching function.

Gu discloses the searching functions (refer to Col 16 to 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a searching function while seeking for particular files within the database file.

The suggestion/motivation for doing so would have been by searching the particular files, it would reduce the system error in case when the order of the files placed in the database become unorganized.

2. Referring to Claim 2, and 22, Brandow discloses analyzing and content data request to provide said at lest one client unit related properties (outer joints, refer to Col 7, 9 and 10) and content data related properties (refer to Col 14-19).

3. Referring to Claim 3, and 23, Brandow discloses

providing for each client as said client unit related properties device properties about the client (refer to Col 19, 22 and 23);

providing as said content data related properties, resource properties about data content resources

providing the content data (refer to Col 17, Lines 30-67 and Col 18);

providing as said client unit related properties, properties about the content data requesting unit used at the client (refer to Col 17, 18, and 19); and

providing as said client unit related properties, properties about commands issued at the client (refer to 19, 20, 21 and 24).

4. Referring to Claim 4, and 24, Brandow discloses wherein a memory (102, refer to Col 5) is

provided which includes a first property storage area (107, refer to Col 5) for said client unit

related properties and a second storage area for said content data related properties (250, refer to Col 6).

5. Referring to Claims 5, 19, and 25, Brandow discloses comprising the step of analyzing a first

content data request to obtain said client unit related properties and said content data related properties, wherein at an arrival of any subsequent content data request in a same session

(sending one or more commands at the time to the server, refer to Col 7), one of said first storage

area and said second storage area is accessed to provide said at least one of client unit related

properties and said content data related properties (refer to Col 6 and 7, and Col 19, 22 and 23).

6. Referring to Claims 6, 20 and 26, Brandow discloses wherein said node selection condition comprises at least one node selection requirement including at least one property name parameter and an expected property (Event that need scripts, Name, refer to Col 13, Lines 50-67, Col 14, Lines 1-30);

wherein said started at a root instruction format node (index, Col 7, and main program, which performs the searching functions to seek the proper methods, refer to Col 16);

wherein a property relating to said property name parameter of said node selection condition of a next instruction format node is requested to be provided for the current data request (one method that allows to provoke another, refer to Col 15 and 16); and

wherein when said provided property matches with said expected property, said instruction format selection branches to said next instruction format node (refer to Col 13, 14, 15, 16, and 17).

Brandow does not expressly indicate the searching function.

Gu discloses the searching functions (refer to Col 16 to 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a searching function while seeking for particular files within the database file.

The suggestion/motivation for doing so would have been by searching the particular files, it would reduce the system error in case when the order of the files placed in the database become unorganized.

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7. Referring to Claim 7, and 27, Brandow discloses wherein said node selection requirement further comprises a property type parameter indicating a type of property provided (parameters, refer to Col 16, Lines 30-67).

8. Referring to Claim 8, and 28, Brandow discloses wherein said node selection condition further comprises at least one operation condition for logically combining results of at least two requirements (refer to Col 7 and refer to Col 15 and 16).

9. Referring to Claim 9, and 29, Brandow discloses wherein said instruction format formed by instruction elements of a root instruction format node of said tree data structure is a default instruction format (main, refer to Col 16).

10. Referring to Claim 10, and 30, Brandow discloses wherein said default instruction format is an instruction format with an instruction template and a plurality of instruction element positions into which the instruction element generating applications insert instruction element data sets when they are executed (refer to Col 15-20).

11. Referring to Claim 11, and 31, Brandow discloses wherein said instruction format includes an instruction template and a plurality of instruction element positions into which said instruction element generating applications insert instruction element data sets when the area executed (refer to Col 17, 18, 19, 20, 21, and 22).



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12. Referring to Claim 12, and 32, Brandow discloses wherein said instruction element generating application includes a component name of a component to be executed (refer to Col 19).

13. Referring to Claim 13; and 33, Brandow discloses wherein said instruction element generating applications further include an argument name with a substitution name of a substitution component located at a different node (index, Col 7 and Class name, which can call on another class at different node, refer to Col 15, 16).

14. Referring to Claim 14, and 34, Brandow discloses wherein said instruction data set is a set of instruction data for displaying a screen with a particular screen layout format on the client, wherein said instruction template is a screen layout template and said instruction element positions are place holders into which said insert screen element data sets are inserted by said instruction element generating applications when said instruction element generating applications are executed (refer to Col 11, 12, and Col 13).

15. Referring to Claim 15, and 35, Brandow discloses wherein said instruction data set is a set of instruction data for controlling a device with a specified control command layout format on the client, wherein said instruction template is a command layout template and said instruction element positions are command holders into which said instruction element generating applications insert command data sets when said instruction element generating applications are executed (refer to Col 11 and Col 12).

16. Referring to Claims 16, and 36, Brandow discloses the usage of JAVA applications and as well as usage of HTML (refer to Col 1 and 2 and 3).

It is obvious for ordinary skill in the art to exchange XML file with HTML file since both of the files are mark up language.

17. Referring to Claim 40, Brandow disclosed wherein said tree data structure is generated once and independently for each session between the client and server (every statement are being converted to the tree data structure of each client-server session, refer to Col 7, Lines 30-50).

18. Referring to Claim 41, Brandow discloses wherein said tree data structure is generated dependent on at least one of client related properties and content data properties (the database is based on client's query associating with the content data properties in the database, refer to Col 7, Lines 1-30)

19. Referring to Claim 17, and 37, Brandow discloses wherein said instruction element generating applications is one of a JAVA servlet and a JAVA server pages program (refer to Col 3).

20. Referring to Claim 42, Brandow discloses one or more clients by a server in a client and server system, with an instruction data set in a specified instruction format in response to a content data request, comprising the steps of:

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preparing a tree data structure consisting of a plurality of instruction format nodes, each instruction format node indicating a particular combination of instruction elements including a specified instruction format and having associated with it a node selection criterion (Java software consists of different class and objects, that forms a tree structure, refer to Col 15 and 16); and

tree data structure with content data request properties relating to the content data request sent by the client and for selecting an instruction format node whose associated node selection condition matches said content data request properties (table name which matches with the query, refer to Col 7).

Brandow does not expressly indicate the searching function.

Gu discloses the searching functions (refer to Col 16 to 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a searching function while seeking for particular files within the database file.

The suggestion/motivation for doing so would have been by searching the particular files, it would reduce the system error in case when the order of the files placed in the database become unorganized.

21. Referring to Claim 43, Brandow discloses selecting from a number of instruction format templates a specified instruction format template dependent on at least one of client properties and resource properties, wherein said templates describes at what places in the instruction set specified instruction elements can be placed (client issue query to the server, server comprising database, the leaf-level node of index, once being selected a particular index, it function as an

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instruction to describe to what places in the instruction element can be placed, refer to Col 7,

Lines 1-30); and

inserting content data in the places indicated in said instruction template by at least one

instruction element generating application (add constraint to the query, refer to Col 7, Lines 40-50);

wherein the selection step also including selecting said at least one instruction element

generating application in accordance with one of client capabilities and resource capabilities,

from more than one available instruction element generating application (query tree comprise numbers of instruction which being selected, and perform regarding with client's specification.

Col 7, Lines 30-67).

22. Referring to Claims 38, and 44, Brandow discloses a data processing system in a client and server system, the server providing the client with an instruction data set in a specified

instruction format in response to a content data request from the client, the system comprising: a server computer comprising:

a memory including a server program that provides one or more content data request properties of the content data request made by the client (102, Col 5), that prepares the instruction data set

having the specified instruction format and including a plurality of instruction element data sets

each representing a specified instruction element of the instruction format and generated by at

least one instruction element generating application in an instruction format set up sequence, that

includes an instruction format configuration file (file, refer to Col 18) containing a tree data

structure including a plurality of instruction format nodes, each of the instruction format nodes

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indicating a particular combination of instruction elements having the specified instruction format and having associated with it a node selection criterion, said tree data structure with said determined content data request properties and selects an instruction format node whose associated node selection condition matches said determined content data request properties, and that prepares the instruction data set to be sent to client by executing the instruction element generating application of the selected instruction format node (refer to Col 5-8, and 13); and a processor that runs said server program (it is inherent that server comprises a processor); a client computer comprising:

a memory including a client program that provides a content data request to the server, and that received the instruction data set sent by the server (refer to Col 9, and 18); and

a processor that runs said client program (refer to Col 5); and

a network between said server computer and said client computer (refer to Col 6).

Brandow does not expressly indicate the searching function.

Gu discloses the searching functions (refer to Col 16 to 20).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate a searching function while seeking for particular files within the database file.

The suggestion/motivation for doing so would have been by searching the particular files, it would reduce the system error in case when the order of the files placed in the database become unorganized.

#### **(10) Response to Argument**

The examiner summarizes the various points raised by the appellant and addresses replies individually.

Appellant argued that:

(1) Brandow in view of Gu fails to disclose or suggest Applicants' claimed tree data structure. Independent claims 1, 18, 21, 44, and 45 each claim subject matter relating to providing an instruction data set in a specified instruction format in response to a content data request. A tree data structure, which is stored in an instruction format configuration file, includes a plurality of instruction format nodes. Each instruction format node indicates a specified combination of instruction elements including a specified instruction format. Further, each instruction format node has associated with it a node selection criterion. The instruction data set is provided by searching the tree data structure and selecting an instruction format node whose associated node selection condition matches a property in the content data request. In other words, if a node's selection condition matches the content data request's properties, then that node's instruction elements are provided as the instruction data set. This is clearly unlike Brandow in view of Gu, which fails to disclose or suggest Appellants' claimed tree data structure. Brandow teaches two types of tree data structures. One of Brandow's tree data structures is used to query a database. Brandow 7:31-33. Brandow discloses a method for querying a database using SQL statements that have been received from a client. Brandow 7:31-33. Brandow parses the received SQL statements and converts them into a query tree, "which represents the components of the query in a format selected for the convenience of the system." Brandow 7:36-39. The query tree is then normalized, compiled, and converted "into a set of instructions suitable for satisfying the query." Brandow 7:31-64. Thus, Brandow's first type of

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tree data structure is clearly unlike Applicants' claimed tree data structure. To begin with, Brandow's query tree is not stored in an instruction format configuration file. Brandow generates its query tree on the fly after receiving the SQL statements. Brandow 7:36-41. Further, Brandow's query tree does not include instruction format nodes that indicate a specified combination of instruction elements including a specified instruction format. Instead, each of Brandow's query tree nodes merely includes an SQL statement, which is a component of the received SQL query. Brandow 7:36-39. As discussed above, Appellants' nodes each indicates a combination of instruction elements including a specified instruction format. Brandow's nodes do not include a combination of instruction elements and do not include a specified instruction format -- they merely include the SQL statements of a received SQL database query. Further, Brandow's query tree does not include instruction format nodes that have node.

(2) Further, Brandow's query tree does not include instruction format nodes that have node selection criteria associated with them. In fact, Brandow fails to discuss or suggest that node selection criteria are associated with its nodes. Brandow's nodes merely include the SQL statements of a received SQL database query. Therefore, Brandow's first type of tree data structure (i.e., Brandow's query tree) fails to disclose or suggest Appellants' claimed tree data structure. Brandow's second type of tree data structure is a clustered index for a database, which is clearly unrelated to Appellants' claimed tree data structure. Brandow defines a clustered index as "an index which stores the data pages of the records themselves on the terminal or leaf-level nodes of the index." Brandow 7:14-30. Brandow 7:14-30 further describes that for enhancing the speed in which the Database Server stores, retrieves, and presents particular data records, the Server maintains one or more database indexes on the table, under control of an Index Manager.

A database index, typically maintained as a B-Tree data structure, allows the records of a table to be organized in many different ways. Thus, Brandow's tree's nodes include the data pages of records of a database. This is clearly unrelated to Appellants' tree data structure.

**In reply** to argument (1): Examiner is examining the claims languages with broadest perspective. Applicants utilizing languages such as "content data request properties", "instruction data set", "specified instruction format" etc., and applicant, did not further limiting what those languages can be, and therefore, Brandow's "SQL statement" can be read into applicant's instruction format node since SQL statement are the executables codes/instruction format, and in the JAVA programming environment, SQL statement is within the object and the classes, thus, can be interprets as a node however, those are mere example of how the instruction format node can be in Brandow's system.

Furthermore, Brandow's system comprising a server, and inside the memory it has database, the database is an instruction format configuration file (another example), and inside the database, it contains the database table. The database table, each of them, is an example of applicant's instruction format node, each table, comprising SQL (refer to Col 7 and 8). Each table comprising different element (instruction element data set, Col 9 and 10), where according to user's query statement, the server execute user's query statement and perform the functionality that the user desired. Applicant main argument emphasize on their tree structure, which according to the applicant, is uniquely different from Brandow. However, according to the claim language which applicant has submitted, the tree structure that applicant has submitted, is no different than Brandow's tree structure according to the above response.



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**In reply** to argument (2): Brandow's database/tree structure, comprising table/instruction format node, which, is made out by SQL statement, the table comprising the node selection criteria, which is in table's rows, each search query by the user, will match with table's selection criteria, in order to perform necessary functionality (executable by user's query, refer to Col 10, Lines 33-67 and Col 11, Lines 35-67 and Col 17, Lines 45-67 and Col 2, Lines 30-40).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

**(12) Conclusion**

For the above reasons, it is believed that the rejections should be sustained.

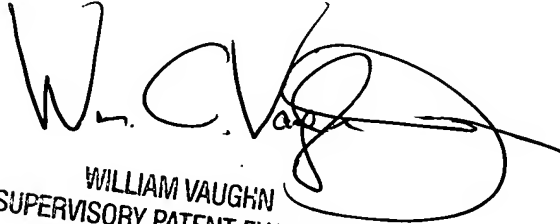
Respectfully submitted,

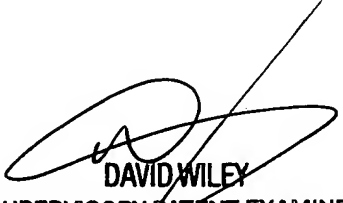
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